

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOCAL UNION NO. 98 INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS, ET AL.

v.

RGB SERVICES, LLC, ET AL.

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CIVIL ACTION

NO. 10-3486

ORDER

AND NOW, this 28th day of January, 2011, upon consideration of the Motion to Dismiss filed by Defendants Michael and Rhea Metsikas (Docket No. 10), and Plaintiffs' response thereto, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. The Motion is **GRANTED** insofar as it seeks dismissal of Plaintiffs' claims that grounds exist for piercing the corporate veil and that the Metsikases are liable as ERISA fiduciaries for unpaid contributions to the Cooperation Fund, the Health Fund, the Pension Fund, the Deferred Income Fund, and the Training Fund, and those claims are **DISMISSED**.
2. The Motion is **DENIED** insofar as it seeks dismissal of Plaintiffs' claims that the Metsikases are liable as ERISA fiduciaries for the unremitted employee wage deductions owed to the Vacation Fund and the unpaid contributions owed to the National Fund.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.